

By: McClendon

H.B. No. 3635

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the assignment of a licensed psychologist or
3 professional counselor to a public school campus.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 33, Education Code, is
6 amended by adding Section 33.907 to read as follows:

7 Sec. 33.907. LICENSED PSYCHOLOGIST OR PROFESSIONAL
8 COUNSELOR. (a) A school district shall assign a full-time
9 psychologist licensed under Chapter 501, Occupations Code, or
10 full-time professional counselor licensed under Chapter 503,
11 Occupations Code, at each campus in the district.

12 (b) The primary responsibility of a psychologist or
13 professional counselor assigned under this section is to assist
14 students in confidential counseling matters.

15 (c) A psychologist or professional counselor assigned under
16 this section may not consult with a student without the permission
17 of the student's parent or guardian unless:

18 (1) the safety of the student is at issue;

19 (2) the student is at risk of being involved in
20 domestic violence; or

21 (3) a court order allows or requires the consultation
22 without the permission.

23 SECTION 2. Subchapter E, Chapter 42, Education Code, is
24 amended by adding Section 42.25191 to read as follows:

1 Sec. 42.25191. ADDITIONAL STATE AID FOR LICENSED
2 PSYCHOLOGISTS OR PROFESSIONAL COUNSELORS. (a) For each school
3 year, from funds that may be used for the purpose, a school district
4 is entitled to state aid in an amount, as determined by the
5 commissioner, sufficient to assist the district in employing the
6 number of licensed psychologists or professional counselors
7 required by Section 33.907.

8 (b) The amount of state aid to which a school district is
9 entitled under this section is in addition to the amount of revenue
10 to which the district is entitled under Section 42.2516(b). This
11 subsection expires September 1, 2017.

12 (c) The commissioner shall adopt rules as necessary to
13 administer this section.

14 SECTION 3. Section 466.408(b), Government Code, is amended
15 to read as follows:

16 (b) If a claim is not made for prize money on or before the
17 180th day after the date on which the winner was selected, the prize
18 money shall be used in the following order of priority:

19 (1) subject to legislative appropriation, not more
20 than \$20 million in prize money each year may be deposited to or
21 appropriated from the [~~Texas~~] Department of State Health Services
22 state-owned multicategorical teaching hospital account, which is
23 an account in the general revenue fund;

24 (2) not more than \$5 million in prize money each year
25 may be appropriated to the Health and Human Services Commission and
26 shall be used to support the provision of inpatient hospital
27 services in hospitals located in the 15 counties that comprise the

1 Texas-Mexico border area, with payment for those services to be not
2 less than the amount established under the Tax Equity and Fiscal
3 Responsibility Act of 1982 (TEFRA) cost reimbursement methodology
4 for the hospital providing the services;

5 (3) not more than [~~the remaining amount, not to~~
6 ~~exceed~~] \$5 million in prize money in each state fiscal year less any
7 amount deposited in the fund in that year attributable to the
8 lottery game operated under Section 466.027, shall be deposited to
9 the fund for veterans' assistance; [~~and~~]

10 (4) subject to legislative appropriation, the amount
11 determined by the legislature of prize money in each state fiscal
12 year may be appropriated to the Texas Education Agency for purposes
13 of providing additional state aid to school districts for
14 employment of licensed psychologists and professional counselors
15 as provided by Section 42.25191, Education Code; and

16 (5) all prize money subject to this section and not
17 appropriated or deposited as provided by Subdivision (1), (2), (3),
18 or (4) [~~from the Texas Department of Health state-owned~~
19 ~~multicategorical teaching hospital account, not appropriated to~~
20 ~~the Health and Human Services Commission for the purpose specified~~
21 ~~in Subdivision (2), and not deposited under Subdivision (3),]~~ shall
22 be deposited in the general revenue fund and may be appropriated for
23 any purpose as determined by the legislature, including the
24 provision of indigent health care services as specified in Chapter
25 61, Health and Safety Code.

26 SECTION 4. The change in law made by this Act to Section
27 466.408(b), Government Code, applies only to a prize for which the

1 winner is selected on or after September 1, 2013. A prize for which
2 the winner was selected before September 1, 2013, is governed by the
3 law as it existed immediately before the effective date of this Act,
4 and that law is continued in effect for that purpose.

5 SECTION 5. This Act applies beginning with the 2013-2014
6 school year.

7 SECTION 6. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2013.